## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF TEXAS

GREGORY C. KRUG,

Plaintiff,

versus

Versus

UNITED STATES OF AMERICA, et al.,

Defendants.

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Gregory C. Krug, formerly an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this lawsuit pursuant to the Federal Tort Claims Act.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit. As the magistrate judge properly found, the limited waiver of sovereign immunity contained in the Federal Tort Claims Act does not apply to Plaintiff's claims; thus, this court lacks jurisdiction to entertain Plaintiff's claims. *See Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 220-21, 128 S.Ct. 831, 169 L.Ed.2d 680 (2008); *Chapa v. United States Dep't of Justice*, 339 F.3d 388, 390 (5th Cir. 2003)

## ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 16th day of December, 2010.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE